

BK: 2019 PG: 3426
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Pages 3
County Recording Fee: \$17.00
Iowa E-Filing Fee: \$3.32
Combined Fee: \$20.32
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

Prepared by and Return to:
Sean M. Raisch, 215 10th Street, Suite 1300, Des Moines, IA 50309 (515)288-2500

AFFIDAVIT EXPLANATORY OF TITLE

STATE OF Iowa)
)ss;
COUNTY OF Polk)

RE: **The West Half (1/2) of the Southeast Quarter (1/4) of Section Seventeen (17), Township Seventy-seven (77) North, Range Twenty-Seven (27) West of the 5th P.M., Madison County, Iowa.**

We, Linda Jefferies and Sherry Herold, being first duly sworn on oath, do depose and state as follows:

1. We are the title holders of the above-referenced real estate (the “**Real Estate**”) by virtue of a Court Officer Deed from The Estate of William C. Radke, dated January 10, 2018, filed April 26, 2018 in Book 2018, Page 1282 of the Madison County Recorder’s Office.

2. William Radke acquired title to the Real Estate by Warranty Deed from Donald J. Lynch, a single person, dated March 1, 2001, filed March 1, 2001 in Book 2001, Page 755 of the Madison County Recorder’s Office (the “**Radke Deed**”).

3. We are aware that Donald Lynch granted an Easement to Warren Water District dated March 12, 2001, filed March 22, 2001 in Book 2001, Page 1116 of the Madison County Recorder’s Office (the “**Warren Water Easement**”), purporting to encumber the following described property:

The North half (1/2) of the Northeast Quarter (1/4); and the Southwest Quarter (1/4) of the Northeast Quarter (1/4); and the Northeast Quarter 91/4) of the Northwest Quarter (NW1/4) of Section Twenty (20); and the West Half (1/2) of the Southeast Quarter (1/4) of Section Seventeen (17), all in Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa (the “**Easement Area**”).

4. At the time the Warren Water Easement was granted, Donald Lynch a/k/a Donald R. Lynch no longer had any interest in the Real Estate, as Donald Lynch a/k/a Donald R. Lynch had conveyed the Real Estate to William Radke by virtue of the Radke Deed.

5. It is apparent that the scrivener of the Warren Water Easement included the Real Estate as part of the Easement Area in error.

6. We state that Donald Lynch a/k/a Donald R. Lynch in fact had no right, title, or interest in or to the Real Estate at the time of executing and recording the Warren Water Easement, that the inclusion of the Real Estate within the Easement Area was manifestly the result of a scrivener's error, and that Warren Water District acquired and can claim no right, title, or interest in or to the Real Estate by virtue of the Warren Water Easement.

7. We are presently in actual and legal possession of the Real Estate and have been at all times since acquiring title to the Real Estate.

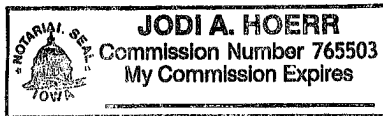
8. This Affidavit is being filed pursuant to Iowa Code § 558.8 to clear any potential cloud on the title to the Real Estate.

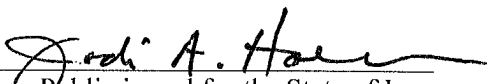
Signed this 10th day of October, 2019.


Linda Jefferies

Sherry Herold

Subscribed and sworn to before me, a Notary Public, on this 10th day of October, 2019, by Linda Jefferies.




Notary Public in and for the State of Iowa
My commission expires: 11-10-19

Subscribed and sworn to before me, a Notary Public, on this _____ day of October, 2019, by Sherry Herold.

Notary Public in and for the State of Iowa
My commission expires: _____

5. It is apparent that the scrivener of the Warren Water Easement included the Real Estate as part of the Easement Area in error.

6. We state that Donald Lynch a/k/a Donald R. Lynch in fact had no right, title, or interest in or to the Real Estate at the time of executing and recording the Warren Water Easement, that the inclusion of the Real Estate within the Easement Area was manifestly the result of a scrivener's error, and that Warren Water District acquired and can claim no right, title, or interest in or to the Real Estate by virtue of the Warren Water Easement.

7. We are presently in actual and legal possession of the Real Estate and have been at all times since acquiring title to the Real Estate.

8. This Affidavit is being filed pursuant to Iowa Code § 558.8 to clear any potential cloud on the title to the Real Estate.

Signed this 17 day of October, 2019.

Linda Jefferies

Sherry Herold

Sherry Herold

Subscribed and sworn to before me, a Notary Public, on this _____ day of October, 2019, by Linda Jefferies.

Notary Public in and for the State of Iowa
My commission expires: _____

Subscribed and sworn to before me, a Notary Public, on this 17th day of October, 2019, by Sherry Herold.

Shawn M. Rogers

Notary Public in and for the State of Iowa
My commission expires: 11/28/2019

